IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10540 of 2004

Between:

M/s Peddamma Chemicals Pvt. Ltd.,
Polepally, Jadcherla Mandal,
Mahabubnagar District,
rep., by Managing Director Madhavarao.

..... PETITIONER

AND

Commissioner of Prohibition & Excise,
Government of AP., Nampally,
Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the order of the respondent passed in CR.NO.19053/03/EPE/B1 dt. 5/06/2004 as illegal, arbitrary and against natural justice and set aside the same.

Counsel for the Petitioner : MR.P.BALAMUKUNDA RAO.

Counsel for the Respondent: The GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioner-Company aggrieved by the order of the respondent dated 05-06-2004, under which the licence of the petitioner's company was cancelled.

2. According to the petitioner, on certain alleged irregularities, a show cause notice, dated 27-10-2003, was issued by the respondent calling upon the petitioner for explanation and the petitioner filed its explanation on 07.02.2004. Thereafter, it appears that the respondent called for a report from the Assistant Commissioner of Distilleries, Hyderabad, who submitted his report on 29-04-2004 and basing on the said report, the respondent passed the order of cancellation without providing a copy of the report of the Assistant Commissioner of Distilleries, Hydeabad to the petitioner and also giving him an opportunity to explain the discrepancies or irregularities alleged to have been committed by the petitioner. Therefore, the petitioner sought for quashing of the impugned order for violation of the principles of natural justice as well as for not providing a copy of the report of the Assistant Commissioner of Distilleries, Hydeabad, which was relied upon by the respondent.

3. Heard the learned counsel for petitioner and the learned Government Pleader for Prohibition & Excise.

4. *Prima facie*, the impugned order passed by the respondent is in violation of the principles of natural justice, apart from relying upon a

material which was obtained behind the back of the petitioner. On the above simple ground, the impugned order dated 5-6-2004 is set aside and the matter is restored to the file of the respondent with a direction to furnish a copy of report of the Assistant Commissioner of Distilleries, Hyderabad to the petitioner, and give the petitioner an opportunity of being heard and thereafter pass an order on merits.

5. The writ petition is accordingly disposed of at the admission stage.

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ES/VA
25-06-2004

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Commissioner of Prohibition & Excise, Government of AP., Nampally, Hyderabad.
2. Two CCs to G.P. for Prohibition & Excise, High Court of Hyderabad, (OUT).
3. Two CD copies

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